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ble, and it has frequently been held that the term "trustee" carries constructive notice. *Marbury v. Ehlen*, 72 Md. 206. The basis of liability is therefore the same in both classes of cases, namely, a negligent confederation with the trustee in an act injurious to the *cestui*. While in some cases of trust of personal property there is an implied power of sale, *Jones v. Atchison, etc.*, R. R. Co., 150 Mass. 304, trustees do not usually have such power, and these exceptional cases afford no excuse for a total failure to investigate, as in the principal case.

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## REVIEWS.

LEGISLATIVE METHODS AND FORMS. By Sir Courtenay Ilbert, K. C. S. I. E. Oxford: The Clarendon Press; London and New York: Henry Frowde. 1901. pp. xxxi, 372.

The author's position, as Parliamentary Counsel to the Treasury, is a sufficient guaranty of the worth of any work from his hands on the subject of legislative methods, since upon him rests the responsibility for the drafting and form at every stage of all the Government bills introduced into the British Parliament. From a man who has so ably filled this important office much was to be expected, and those who will have the good fortune to read Sir Courtenay Ilbert's book will be in no wise disappointed. Beginning with a brief sketch of the customary law of England and its relation to the statute law the author contrasts the English legal system with that of various countries of continental Europe. After a short discussion of the contents of the English statute book and the different editions of the Statutes, he describes at considerable length the various efforts to systematize and improve the statutory law, both by the expurgation of defunct acts and by the consolidation of living measures. The chapter on codification is intensely interesting. The author ascribes the failure of the ambitious projects of the various codifiers partially to the absence in England of the motive force so keenly felt in continental Europe, namely, the absolute necessity consequent on increasing commerce of doing away with the diverse systems of law that so frequently prevailed in different portions of what had become one country. For example, in Germany, before the present code there were six general systems of law in force, besides numerous local customs. In England, however, the King's Writ ran over the entire country centuries before there was any central judicial authority in the continental nations. But the author finds the chief reason for the dilatoriness of England as regards codification in the haphazard system of English legal education, the student rarely seeking to take a scientific view of the legal principles he is applying. The author does not consider the cause of codification hopeless in England, notwithstanding the relaxation of such efforts since 1896, but he recognizes the great difficulties in its way—not the least of which is the general unpopularity of these acts, and the almost entire passivity of the legal profession, with the exception of the commercial lawyers, to whose efforts are due what legislation there is along that line—the Partnership Act, The Bills of Exchange Act, and the Sale of Goods Act, to say nothing of that monumental piece of consolidation, the Merchants' Shipping Bill.

A great deal of very valuable material is to be found in the chapter

dealing with Indian and Colonial legislation. Its contents are largely based on the replies of the Colonies to questions propounded by the Colonial Office, at the instance of the Society of Comparative Legislation. The space devoted to each Colony is necessarily small, but the author has readily seized the salient points of their legislative methods. A noteworthy chapter treats of the efficiency of Parliament as a legislative machine. The book concludes with numerous specimens of statutory forms, and a discussion of their respective advantages and disadvantages. In short, it would be difficult to imagine a book of more use to the practical legislator. The style is so clear and pleasant, and the subject matter of such vital importance, that notwithstanding the necessarily technical nature of portions it is of great interest even to the unlearned reader.

F. R. T.

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JOHN MARSHALL. By James Bradley Thayer, LL. D. Boston and New York: Houghton, Mifflin & Co. 1901. pp. 157. It is not often that a man accomplishes so many things in one little book as Prof. Thayer has done in this one. He has filled in the large but rather vague outlines of the historical portrait of Marshall, until we seem really to see the man; and he has given us a concise, discriminating, and convincing estimate of the great judge's purposes and achievements, particularly of his inestimable service to posterity in giving to the Constitution the broad and vigorous interpretation which carried the new nation safely through its early difficulties, and gave it strength for the supreme test of the Civil War. These things seem to have been done without yielding to that partiality to which biographers are so prone, for Prof. Thayer does not hesitate to point out a few indiscretions and errors, nor to admit that in many departments of legal learning Marshall has had equals or superiors among American jurists. Nevertheless a perusal of the book, which is rather a sketch than a biography, leaves the reader not only more than ever convinced of the substantial basis of Marshall's fame, but filled with a new admiration for the sweetness, simplicity and strength of his personal character. To this Prof. Thayer has added, out of his own wide observation and vigorous judgment, a few practical suggestions on the subject of Constitutional Law as applied to legislative enactments, which well merit the careful consideration of all who have to do with the making or the interpretation of our laws.

THE LAW AND PROCEDURE OF UNITED STATES COURTS. By John W. Dwyer, LL. M. Ann Arbor: George Wahr. 1901. pp. xxi, 339. The increasing importance of the Federal Courts makes familiarity with the organization and jurisdiction of these courts more and more necessary, and it is chiefly of these two subjects that this work attempts to give a general outline. Beginning with a brief historical review of the development of this country, the author describes the organization of the various United States Courts and the division of the judicial power under the Constitution and acts of Congress. The original and appellate jurisdiction of the four main branches of the Federal Courts is then considered in detail, with a chapter on removal of cases from the State Courts, and a brief general statement of certain extraordinary remedies and rules of procedure.

The work is not an exhaustive examination of the authorities, nor is